

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ARLIN M. ADAMS, Chapter 11 Trustee of
the Post-Confirmation Bankruptcy Estates of
CORAM HEALTHCARE CORPORATION
and CORAM, INC.,

Plaintiff,

v.

DANIEL D. CROWLEY; DONALD J.
AMARAL; WILLIAM J. CASEY; L.
PETER SMITH; AND SANDRA L.
SMOLEY,

Defendants.

Case No. 04-1565-SLR

ORDER

At Wilmington this 25th day of April, 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the Court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by May 12, 2006 the information required by Fed. R. Civ. P. 26 (a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) **Discovery will be needed on the following subjects:**

(1) Plaintiff: Defendant Daniel D. Crowley's ("Crowley") alleged conflict of interest, his alleged failure to disclose his conflict of interest and the damages suffered by Coram Healthcare Corporation ("Coram") as a result of his alleged conflict of interest.

(2) Defendant Crowley: Crowley's relationship with Cerberus; disclosure of Crowley's relationship with Cerberus; Crowley's work for other Cerberus entities; Crowley's work for Coram; Coram's decision to file for bankruptcy; Coram's First Plan of Reorganization; Coram's decision to hire Harrison Goldin to investigate; Coram's Second Plan of Reorganization; Decisions by others which allegedly cut off any liability to Crowley; the Trustee's communications with Crowley; the Trustee's decision to retain Crowley; the Trustee's negotiations with Crowley for an extension of his employment with Coram; the trustee's consent to waiving claims against Crowley; valuations of Coram.

(b) All factual discovery shall be commenced in time to be completed by December 15, 2006.

(c) Maximum of 25 interrogatories by each party to any other party.

(d) Maximum of 25 requests for admission by each party to any other party.

(e) Maximum of 27 depositions by plaintiff and 27 by defendant, excluding experts;

(f) Each deposition limited to a maximum of seven hours unless extended by agreement of parties or by further order of the Court.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by January 15, 2007. Rebuttal expert reports due by February 15, 2007. Depositions of such experts to be completed on or before March 15, 2007.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the Court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The Court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before May 26, 2006.

4. **Settlement Conference.** Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before April 17, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the Court shall be by written motion filed with the clerk. Unless otherwise requested by the Court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions *in limine* shall be filed 14 days before the pretrial conference. All responses to said motions shall be filed seven (7) days before the pretrial conference.

8. **Pretrial Conference.** A pretrial conference will be held on _____ at _____ m. in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a trial commencing on _____ in courtroom 6B, Sixth Floor, Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

Sue L. Robinson
Chief United States District Judge